ANCHORAGE, ALASKA
AO NO. 2014-11

AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE
MUNICIPALITY OF ANCHORAGE AT THE NEXT REGULAR MUNICIPAL ELECTION,
A BALLOT PROPOSITION AMENDING THE ANCHORAGE MUNICIPAL CHARter
TO ALLOW UNSWORN POLICE OFFICERS TO CONTINUE TO ISSUE PARKING
CITATIONS IF APPROVED BY ORDINANCE; AND TO CLARIFY THE APPEAL
PROCESS.

WHEREAS, absent a voter approved amendment, Article 21 of the Anchorage
Charter requires all parking enforcement outside the downtown area to be
performed by police officers;

WHEREAS, until 2013 police [peace] officers who met the standards of the
Alaska Police Standards Council (APSC) were able to write parking citations
outside of the downtown business area, in addition to regular police officers and
thereby met the requirements of Charter Article 21;

WHEREAS, the APSC has stated that it will no longer certify police [peace]
officers who are not regular police officers; and

WHEREAS, regular police officer personnel can be better used in other law
enforcement duties and in the interests of conserving financial resources it is
prudent to make use of trained officers to enforce parking throughout the MOA;
and

WHEREAS, the administrative appeal process needs to be clarified in light of
state law changes to avoid unduly burdening people with an overly expensive
and cumbersome appeal process; now therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Subject to the approval of the voters as described in Section 2, the
charter amendment is hereby approved.

Section 2. Pursuant to the Anchorage Municipal Charter § 10.02(8), a ballot
proposition in substantially the following form and substance shall be submitted
to the qualified voters of the Municipality of Anchorage at the next regular
Municipal election:
PROPOSITION NO. ___

SHALL ANCHORAGE MUNICIPAL CHARTER SECTIONS 21.01, 21.02, and 21.04 BE AMENDED TO READ AS FOLLOWS? (Underlined and bolded words are proposed new words; strikeouts are proposed deletions.)

Section 21.01. Vehicle violation enforcement.

(a) No enforcement of any vehicle violation, whether the vehicle is parked or in motion may be performed by the Municipality of Anchorage by any persons other than a regularly sworn police officer who meets the standards set forth in A.S. 18.65.290(5)(A) or (B). Such enforcement includes, but is not limited to, any and all civil or criminal statutes, codes, ordinances or regulations which apply to the regulation of vehicles and which currently exist or may exist in the future.

(b) The Municipality may, by ordinance only, delegate enforcement of parking violations, to a municipal agency or municipal authority. The allowable delegation is limited to enforcement of parking violations on both sides of named streets within the area bounded by Ship Creek on the north, Gambell Street on the east, 10th Avenue on the south, and M Street on the west. The enforcement of parking violations for the area other than that described above may be delegated only to employees of the Anchorage Police Department. The phrase "employees of the Anchorage Police Department" includes, but is not limited to, police officers of the Anchorage Police Department.

(Prop. 3 of 4-15-97 election, effective 6-6-97, § 1; AO No. 2010-94(S), § 2, election of 4-5-11, effective 6-1-11)

Section 21.02. Prohibited vehicle impound, towing and transportation from public streets and emergency exception.

No vehicle may be impounded, towed, or transported from upon the public streets in the Municipality of Anchorage without the written permission of either the owner or the operator of the vehicle, a valid court order, or unless an impound notice is placed on the vehicle by a police officer qualified as set forth in Section 21.01 above, or by other employees of the Anchorage Police Department as may be delegated by ordinance. This shall not prohibit necessary emergency action in the event that a vehicle presents an immediate threat to life or public safety.

(Prop. 3 of 4-15-97 election, effective 6-6-97, § 2)

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Section 21.04. Prohibited enforcement and delegation of enforcement; enforcement in person; prohibited administrative enforcement.
(a) Enforcement of any part of the present or future state or Anchorage municipal vehicle laws or codes by anyone other than qualified police officers, except as set forth in Section 21.01 above, is prohibited.

(b) The Municipality may not delegate vehicle related enforcement powers to any agency other than as described in Section 21.01 above, nor shall they delegate by ordinance, contract, or otherwise such powers to anyone except as set forth in Section 21.01 above.

(c) Any and all vehicle law or code enforcement activity pursuant to this Article XXI shall be performed in person. Any vehicle law or code enforcement powers which may currently exist, other than those described in Section 21.01 above, are null and void.

(d) Final review of all vehicle law and code enforcement within the Municipality of Anchorage shall be, and remain with, the judicial branch of government as described in Article IV of the Alaska Constitution, with such right of appeal as the law provides. **The Municipality may, by ordinance only, provide for an intermediate review through an administrative appeals system by a municipal agency or municipal authority. Any person choosing to use such administrative appeals system may, after such use, appeal to the Alaska Court System.**

(e) This law is not to be construed as defining the jurisdiction of courts or prescribing their rules, rather, this ordinance declares that the Municipality shall not enforce any motor vehicle ordinance or policy by way of administrative process.

(Prop. 3 of 4-15-97 election, effective 6-6-97, § 4; AO No. 2010-94(S), § 2, election of 4-5-11, effective 6-1-11)

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☐ Yes ☐ No

**Section 3.** Section 1 of this ordinance shall become effective immediately. Section 2 of this ordinance shall become effective if, and only if, this Proposition is passed by a majority of the qualified voters in the next regular municipal election.

PASSED AND APPROVED by the Anchorage Assembly this 28th day of January 2014.

Chair of the Assembly

Municipal Clerk
MUNICIPALITY OF ANCHORAGE

Summary of Economic Effects -- General Government

AO Number: 2014-11
Title: AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE MUNICIPALITY OF ANCHORAGE AT THE NEXT REGULAR MUNICIPAL ELECTION, A BALLOT PROPOSITION AMENDING THE ANCHORAGE MUNICIPAL CHARTER TO ALLOW UNSWORN POLICE OFFICERS TO CONTINUE TO ISSUE PARKING CITATIONS IF APPROVED BY ORDINANCE, AND TO CLARIFY THE APPEAL PROCESS.

Sponsor: MAYOR
Preparing Agency: Department of Law
Others Impacted:

<table>
<thead>
<tr>
<th>CHANGES IN EXPENDITURES AND REVENUES:</th>
<th>(In Thousands of Dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY14</td>
<td>FY15</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td></td>
</tr>
<tr>
<td>1000 Personal Services</td>
<td>$ (40)</td>
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<tr>
<td>2000 Non-Labor</td>
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<td>3900 Contributions</td>
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<td>4000 Debt Service</td>
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<td>TOTAL DIRECT COSTS:</td>
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<td>Add: 6000 Charges from Others</td>
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<tr>
<td>Less: 7000 Charges to Others</td>
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<tr>
<td>FUNCTION COST:</td>
<td>$ (40)</td>
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</tbody>
</table>

REVENUES:
CAPITAL:

POSITIONS: FT/PT and Temp

PUBLIC SECTOR ECONOMIC EFFECTS:
The change will allow, subject to Assembly approval of an ordinance, the Anchorage Police Department to provide the same level of service related to vehicle violation enforcement as is currently provided, at the same cost. Without the charter amendment, enforcement costs will go up or services will have to be curtailed. Assuming the same level of service, but provided with sworn officers, the cost increase would be at least $40,000 ($50,000) per year.

The derived amount assumes the same service level, and uses the difference between the approximate average patrol officer salary per year ($71,000) and the approximate average CSO salary ($83,000), multiplied by the number of persons currently performing the work (5). It does not include salary increases or fully loaded

PRIVATE SECTOR ECONOMIC EFFECTS:
The change will allow the Municipality to continue to informally resolve most citations. Otherwise, individuals may have to file appeals in state court, paying a nonrefundable filing fee in the process.

Prepared by: Dennis Wheeler, Municipal Attorney Telephone: 343-4545